



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/516,209	02/29/2000	Terry Allen-Rouman	00617425	1082

7590 05/07/2003

Darin J Gibby
Townsend and Townsend and Crew LLP
Two Embarcadero Center
8th Floor
San Francisco, CA 94111

EXAMINER

BASHORE, ALAIN L

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/516,209

Applicant(s)

ROUMAN ET AL.

Examiner

Alain L. Bashore

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-18, 24-27, 29-33, 35-37 and 39-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-18, 24-27, 29-33, 35-37 and 39-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 18.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 14, 29, 35, and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 14, 38 there is recited an incomplete conditional statement that is vague and indefinite. The claim only recites if purchaser information is validated, not the condition when no validation occurs.

In claim 29, 35 there is recited an incomplete conditional statement that is vague and indefinite. The claim only recites if checking the validation information is successful, not when it is unsuccessful.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 14-18, 24-27, 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al.

Doggett et al discloses a method for facilitating an electronic purchase as the transferring funds from a payor to a payee (fig 3). Purchase information from a payee and purchaser information from a payor are both received as payment information (66) from a funds transfer system (80). When the payment information is validated, the payee is notified (130) and funds are transferred. The purchase information includes a purchase price (120), and the purchaser information includes an identification of a purchaser account (122). When the purchaser information is validated a digital IOU is electronically sent to the payee (74). The digital IOU includes the purchase price (fig 6) and can be redeemed (col 8, lines 40-46). Digital signatures are compared (col 12, lines 21-32). Payment info is validated at the fund's transfer system (col 8, lines 36-37)

Doggett et al discloses a funds transfer system separate from the payee system (fig 3). The transfer of funds is from a user account to a vendor account where at least one of the accounts is a bank account or a credit card account (col 1, lines 6-16). A first and second connection is made between a payee and payor system (fig 3). Means for paying may be an ACH (80). The means for receiving purchase information and means for receiving payment information may be a FTP over a network (col 10, line 27).

Doggett et al does not disclose:

when the purchaser information is not validated, a message is sent
to the purchaser and the purchaser is added to a database
the payee as a vendor.

Kolling et al discloses a payee as a vendor (col 24, line 53). Kolling et al also discloses when the purchaser information is not validated (figure 7), a message is sent to the purchaser (46) and the purchaser is added to a database.

It would have been obvious to one with ordinary skill in the art to include a message is sent to the purchaser when the purchaser information is not validated and the purchaser is added to a database to Doggett et al because Kolling et al teaches such messages for non-sufficient funds notification (col 4, line 52).

It would have been obvious to one with ordinary skill in the art to include the payee as a vendor because Kolling et al teaches equivalence (col 24, lines 53).

5. Claims 29-33, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and in further view of Rowney et al.

Art Unit: 3624

Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al in further view of Rowney et al.

Doggett et al in view of Kolling et al does not explicitly disclose a method as being part of the check-out of the user with a vendor system.

Rowney et al discloses check-out of the user with a vendor system (col 11, lines 56-67; col 12, lines 1-24) and comparing digital signatures (col 15, lines 65-67; col 16, lines 1-23).

It would have obvious to one with ordinary skill in the art to modify Doggett et al in view of Kolling et al to include confirming the digital IOU by comparing a digital signature since Rowney et teaches comparing digital signatures for security purposes (col 1, lines 30-36).

It would have obvious to one with ordinary skill in the art to modify Kolling et al in view of Rose et al in view of Nielsen to include as part of the check-out of the user with a vendor system since Rowney et al teaches importance of assessing transaction risk (col 12, lines 5-6).

Art Unit: 3624

6. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al in view of Kolling et al as applied to claims 14-18, 24-27, 39-44 above, and further in view of Walker et al.

Doggett et al in view of Kolling et al in view does not disclose funds in the form of gift certificates.

Walker et al discloses gift certificates (col 3, lines 33-67).

It would have been obvious to one with ordinary skill in the art to include funds in the form of gift certificates to Kolling et al in view of Rose et al because Walker et teaches advantages of gift certificates (col1, lines 44-67; col 2, lines 1-33).

7. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doggett et al et al in view of Kolling et al in further view of Rowney et al as applied to claims 29-37 above, and further in view of Krishan et al.

Kolling et al in view of Rose et al in further view of Rowney et al does not disclose the requesting step causing a pop-up window to be opened.

Krishan et al discloses a requesting step causing a pop-up window to be opened (col 20, lines 1-7).

Art Unit: 3624

It would have been obvious to one with ordinary skill in the art to a requesting step causing a pop-up window to be opened to Kolling et al in view of Rowney et al because Krishan et al teaches pop-up windows function as attention providers (col 2, lines 40-42).

Response to Arguments

8. Applicant's arguments with respect to claims of record have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1113.



Alain L. Bashore

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600